

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 17-123
)	
MICHAEL SMITH,)	Judge Cathy Bissoon
)	
Defendant.)	

ORDER

Defendant's Motions (Docs. 76 & 83) for compassionate release, based on Covid-19 related health concerns, will be denied.

The Court is aware of the conditions at FCI-Elkton, *see generally* Doc. 55 in Criminal Action No. 12-102; and it acknowledges that Defendant's documented health-conditions are not insignificant. Nevertheless, the Court is required to balance these factors with the ones resulting in his original sentence, pursuant to 18 U.S.C. § 3553.

The Court finds release unjustified given the nature, circumstances and seriousness of Defendant's offense, and the needs for just punishment and deterrence. In simplest terms, Defendant's drug-related criminal activity resulted in the death of an overdose-victim. One may speculate that, had the victim not acquired controlled substances from Defendant, she would have acquired them from some other source. The fact remains, however, that the victim's death was a direct result of Defendant's criminal activity; and, in the Court's view, the risk that Defendant's conduct imposed on his victim is no less consequential, and worthy of consideration, than the risks he presently faces from his resulting custodial-sentence.

Having weighed the specific facts and circumstances regarding Defendant, vis-à-vis Covid-19 – along with all of the considerations in Section 3553 – the Court cannot agree that

release is warranted. For these reasons, along with the others identified in the government's opposition (Doc. 85), Defendant's Motions (**Docs. 76 & 83**) for compassionate release are **DENIED**.

IT IS SO ORDERED.

June 15, 2020

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

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